

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IDELL DEARRY, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	
)	Civil Action No. 2:21-cv-02548 (MAK)
KRAKEN HOLDINGS, LLC, <i>et al.</i>)	
)	
Defendants.)	
)	

**NOTICE OF WITHDRAWAL OF DEFENDANTS’ MOTION TO DISMISS FOR LACK
OF PERSONAL JURISDICTION PURSUANT TO FED. R. CIV. P. 12(b)(2)**

Defendants, Kraken Holdings, LLC (“Kraken”), Andrew Dunn (“Dunn”), and Joshua Bickerstaff (“Bickerstaff”) (collectively “Defendants”), hereby withdraw their Motion to Dismiss the Amended Complaint solely as it pertains to the lack of personal jurisdiction under Fed. R. Civ. P. 12(b)(2) (Dkt. No. 36 at 2-3).

Defendants submit that this withdrawal is not related the merits of their jurisdictional arguments. Rather, the withdrawal is necessary to avoid the prejudice associated with having to incur the substantial time and expense of responding to the voluminous and detailed discovery propounded by Plaintiffs pursuant to this Court’s Order, dated November 22, 2021 (Dkt. No. 48). Plaintiffs’ discovery improperly seeks information and documents related to the merits of Plaintiffs’ claims against Defendants and does so on an expedited basis and prior to the adjudication of Defendants’ pending Motion to Dismiss Plaintiffs’ Amended Complaint under Fed. R. Civ. P. 12(b)(6) (Dkt. No. 36 at 3-5). To avoid the expense of the discovery and what would undoubtedly be further motion practice because of Plaintiffs’ overly broad jurisdictional discovery, Defendants’ Motion to Dismiss the Amended Complaint for lack of personal jurisdiction under Fed. R. Civ. P. 12(b)(2) is withdrawn.

Dated: December 1, 2021

s/ Justin G. Weber

Christopher W. Wasson (PA 63551)

TROUTMAN PEPPER

HAMILTON SANDERS LLP

3000 Two Logan Square

18th and Arch Streets

Philadelphia, PA 19103

215.981.4000

Christopher.Wasson@troutman.com

Justin G. Weber (PA 89266)

TROUTMAN PEPPER

HAMILTON SANDERS LLP

100 Market Street, Suite 200

Harrisburg, PA 17101

717.255.1155

Justin.Weber@troutman.com

David N. Anthony (Admitted PHV)

Michael E. Lacy (Admitted PHV)

TROUTMAN PEPPER

HAMILTON SANDERS LLP

1001 Haxall Point

Richmond, VA 23219

804-697-1200

David.Anthony@troutman.com

Michael.Lacy@troutman.com

CERTIFICATE OF SERVICE

I, Justin G. Weber, hereby certify that on December 1, 2021, the foregoing document was filed through the Court's Electronic Case Filing (ECF) system, and thereby served on all parties of record registered with the ECF system.

s/ Justin G. Weber
Justin G. Weber